

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13653 of 2017

Arising Out of PS.Case No. -279 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Mahendra Singh S/o- Late Ram Bahadur Singh, Resident of Village-
Lalganj, Tola- Uchitpur, P.O, P.S. & District- Sasaram (Rohtas).

.... Petitioner

Versus

1. The State of Bihar.
2. Kaushal Kishore Pandey, Advocate, S/o- Late Sitaram Pandey, Resident
of Mohalla- Fajalgañj, Ward No. 11, P.O.- Sasaram, P.S.- Sasaram (Model),
District- Rohtas.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Neeraj Kumar Singh, Adv.
For the State : Mr. Md. Anzarul Haque Sahara, APP 225
For the O.P. No. 2 : Mr. Ajay Nandan Sahan, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-05-2017 Heard the learned counsel for the petitioner,
complainant-opposite party no. 2 and the State.

This is a petition for grant of anticipatory bail for
offence under Sections 406, 420, 504, 341 and 34 of the
Indian Penal Code.

Opposite party no. 2 filed the Complaint Case
No. 279(C) of 2013 alleging therein that opposite party
no. 2 had entered into an agreement to purchase property
from co-accused, Samrendra Kumar, who is son of this
petitioner. In spite of payment of consideration money on
persuasion of the named accused, including the petitioner,
sale deed was not executed.

Submission of the petitioner is that a suit for



specific performance of contract vide Title Suit No. 264 of 2013 has already been filed by opposite party no. 2 in the Court of the Sub Judge, I, Sasaram, against co-accused persons. The petitioner is neither a party to the agreement nor a signatory anywhere. However, he has been implicated simply for the reason that he is father of Samrendra Kumar.

The learned counsel for the informant opposed the prayer for bail.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Complaint Case No. 279(C) of 2013/Tr. No. 2124 of 2013** to the satisfaction of the **Chief Judicial Magistrate, Rohtas at Sasaram**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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